

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT BRYNING,

Plaintiff,

v.

BEST BUY, CO. INC.,

Defendant.

No. C 07-05741 JSW

ORDER TO SHOW CAUSE

On June 14, 2008, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). Because under Rule 41, a plaintiff may dismiss an action without a court order, "by filing (i) a notice of dismissal *before* the opposing party serves *either* an answer or a motion for summary judgment; or (ii) by a stipulation of dismissal signed by all parties who have appeared," and because the Defendant had answered, the Court ordered Plaintiff to either submit a stipulation of dismissal or a formal request to dismiss this matter. To date, Plaintiff has not yet complied with that Order, and neither party has filed a dispositive motion, although the deadline for filing such motions has passed.

Accordingly, Plaintiff is HEREBY ORDERED TO SHOW CAUSE why this case should not be dismissed for failure to prosecute. If Plaintiff files a stipulation of dismissal or a formal request to dismiss this matter by **August 15, 2008**, the Order to Show Cause shall be discharged without further action. If Plaintiff fails to respond by that date, the Court shall

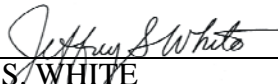
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1 dismiss this action without prejudice for failure to prosecute this matter.

2 **IT IS SO ORDERED.**

3 Dated: August 6, 2008

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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE